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UNITED STATES OF AMERICA
DISTRICT COURT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10300-RWZ

ROSARIO GUZZI

v.

MICHAEL THOMPSON

PETITIONER'S MOTION FOR AN EVIDENTIARY HEARING

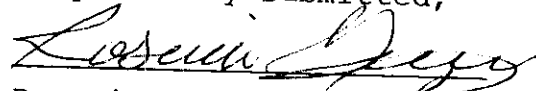
On February 15, 2005, petitioner submitted his Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, in this Honorable Court. He now comes to move this court to GRANT him and evidentiary hearing to resolve facts still in dispute and where no such hearing in state court evolved to uncover these relevant facts.

The discretionary power of this court in exercising its sound decision is in no manner limited by the presumption of correctness afforded state court findings under § 2254(d).

Sims v. Livsay, 970 F.2d 1575, 1579 (6th Cir. 1992).

As reasons therefore, the petitioner attaches his memorandum of law to this motion in support of an evidentiary hearing.

Respectfully submitted,


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March 11, 2005